

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE EINSTEIN ACADEMY CHARTER :  
SCHOOL, f/k/a THE NATIONAL :  
ORGANIZATION FOR CHILDREN, INC., :  
d/b/a T.E.A.C.H. - THE EINSTEIN :  
ACADEMY CHARTER SCHOOL, :

Plaintiff, :

v. :

CIVIL ACTION No. 02 cv 2880

TUTORBOTS, INC.; MIRIAM :  
ROTHSCHILD, a/k/a MIMI MANDEL, :  
and HOWARD MANDEL, :

Defendants. :

**PLAINTIFF'S MOTION TO REINSTATE THIS ACTION  
PURSUANT TO LOCAL RULE 41.1**

Plaintiff The Einstein Academy Charter School ("Einstein") respectfully moves the Court to reinstate the above-captioned case pursuant to Rule 41.1 of the Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania.

As set forth more fully in the accompanying memorandum of law, which Einstein incorporates herein by reference and to which Einstein respectfully refers the Court, the basis for this motion is that the parties' Consent Order resolved only Einstein's motion for a preliminary injunction, but did not resolve, or even address, the numerous and substantial claims for monetary relief and the substantive claims unrelated to the preliminary injunction motion that Einstein had asserted in its complaint. Thus, Einstein respectfully submits that there is much to be done in this case, and that it should be allowed to proceed on the remaining claims asserted in its complaint.

WHEREFORE, Einstein respectfully requests that the Court enter an order in the form attached hereto modifying its order for dismissal to provide for the dismissal only of Einstein's motion for a preliminary injunction, and not for the dismissal of the entire case.

Respectfully submitted,

---

Howard D. Scher  
Francis X. Taney  
Pa. Nos. 03673 and 76590  
Buchanan Ingersoll, P.C.  
11 Penn Center  
1835 Market Street, 14th Floor  
Philadelphia, PA 19103

Counsel for Plaintiff  
The Einstein Academy Charter  
School

Dated: June \_\_\_, 2002

**CERTIFICATE OF SERVICE**

I, Eliot G. Long, hereby certify that, on this \_\_\_\_ day of June, 2002, I caused a true and correct copy of the foregoing document to be served upon the following by hand delivery:

Philip Matthew Stinson, Sr., Esquire  
University Technology Park  
1450 Edgmont Avenue, Suite 200  
Chester, Pennsylvania 19013-3934

Attorney for Defendants

---

Eliot G. Long